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CERTIFIED TRUE COPY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF

JOSEPH SALKIND, D.M.D.
License No. DI 17764

LICENSED TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Joseph Salkind, D.M.D. ("respondent"), engaged in false and misleading advertising and permitted a dental hygienist to perform duties outside the scope of practice. Specifically, it has been alleged that in a radio broadcast, on the Internet, and in printed advertisements, respondent made false and misleading statements and claims of superiority; and during the radio broadcast, respondent permitted a dental hygienist to perform a bleaching procedure on a patient. On June 2, 1999, respondent appeared with counsel, Maxine Neuhauser, Esq., at an investigative inquiry into the matter held by the Board.

Having reviewed the entire record, including the testimony of respondent at the investigative inquiry, it appears to the Board that respondent: (i) permitted his hygienist to perform a bleaching technique, which is outside the scope of a hygienist's duties, in violation of N.J.S.A. 45:6-61; (ii) on the Internet, advertised a list of alleged "State of New Jersey requirements" for dental licensure, when no such requirements exist, in violation of N.J.A.C. 13:30-8.6(c)1; (iii) advertised a "specialty in cosmetic dentistry", when no such specialty exists, in violation of N.J.A.C. 13:30-8.4(j); (iv) falsely advertised that he had a "post-doctoral degree", in violation of N.J.A.C. 13:30-8.6(c)1; (v) advertised that he used a "special technique" for bleaching teeth, when in fact, the technique is not special, in violation of N.J.A.C. 13:30-8.6(c)2; (vi) failed to correct information on his radio broadcast which indicated that he was bleaching teeth using a laser, in violation of N.J.A.C. 13:30-8.6(c)1; (vii) falsely stated on his radio broadcast that "Nesbits" are illegal and no laboratory would make them, in violation of N.J.A.C. 13:30-8.6(c)1; (viii) issued a misleading coupon, in that the "value" for the services shown was not the ordinary cost of services, and in fact, the coupon conferred no benefit upon the user, in violation of N.J.A.C. 13:30-8.6(g); and (ix) advertised a claim of superiority, in violation of N.J.A.C. 13:30-8.6(c)2.

These facts establish basis for disciplinary action pursuant to N.J.S.A. 45:1-21(c), (e) and (h). It appearing that respondent desires to resolve this matter without admissions and without recourse to formal proceedings, and for good cause shown:

IT IS ON THIS 6th DAY OF February, 2002

HEREBY ORDERED AND AGREED THAT:

1. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, totaling \$7,500, which sum represents a penalty of \$2,500 for allowing a dental hygienist to perform the bleaching technique, which is outside the scope of her duties; \$2,500 for advertising violations contained in a radio broadcast, including failing to correct the impression that a laser was being used for a bleaching procedure and that nesbits are illegal; \$500 for falsely representing on an Internet web site that the State of New Jersey has certain requirements for licensure, when no such requirements exist; \$500 for advertising a "specialty in cosmetic dentistry"; \$500 for claiming superiority; \$500 for the coupon that states a misleading value of services; \$250 for falsely advertising that he possessed a "post-doctoral degree"; and \$250 for advertising that he used a "special technique." In payment of the \$7,500 civil penalties, respondent shall make an initial payment of \$1,000, to be made contemporaneously with the signing of this Consent Order, followed by twelve monthly payments of \$541.67 per payment. The first monthly payment shall be due by February 1, 2002 and subsequent payments shall continue to be due by the first of each succeeding month until all twelve payments are completed. In the event that respondent does not make a timely payment, the full balance will immediately become due. Payment shall be by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin B. Earle, Executive Director, Board of Dentistry, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. Respondent is hereby assessed the costs to the State of the investigation in this matter in the amount of \$376.00. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted

to the Board contemporaneously with the signing of this Consent Order. Payment shall be sent to Kevin B. Earle, Executive Director, at the address described in paragraph #1.

3. Failure to comply with any provisions of this Order or remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF DENTISTRY

By: Emil G. Cappetta
Emil G. Cappetta, D.M.D.
Board President

I have read and understand the this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Joseph Salkind
Joseph Salkind, D.M.D.

Consent is given as to form:

Maxine Neuhauser, Esq.
Counsel for respondent